



Mail Stop Amendment  
Attorney Docket No. 25539

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:  
YOEL, et al.

Confirmation No. 4532

Serial No. 10/606,199

Art Unit: 2877

Filed: June 26, 2003

Examiner: PUNNOOSE, Roy M.

For: **THIN FILMS MEASUREMENT METHOD AND SYSTEM**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Commissioner:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter; and
- (2) Response to Election of Species Requirement.

If an Extension of Time under 37 CFR §1.136 is required and has not been separately petitioned, please consider this Transmittal Letter as including a petition for such Extension of Time and as a further authorization to charge any fee for such Extension of Time, as may be required by 37 CFR §1.17, to Deposit Account No. 14-0112. Also, please charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

July 26, 2005

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Respectfully submitted,  
NATH & ASSOCIATES PLLC

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For: **THIN FILMS MEASUREMENT METHOD AND SYSTEM**

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Commissioner:

This is in response to the Office Action having a mailing date of June 30, 2005. The one-month shortened statutory period to respond was set to expire July 30, 2005.

**REMARKS**

Claims 1-17 are pending in the application.

In the outstanding Office Action, there was an indication that the application contains claims directed to the following patentably distinct species of the claimed invention.

- a) Claims 1-12 and 17, directed to method and apparatus for use in controlling the processing of a structure by determining the thickness of the structure by applying optical measurements.
- b) Claim 13, directed to method and apparatus for use in controlling the processing of a structure by determining the thickness of the structure by using spectral data
- c) Claim 14, directed to method and apparatus for use in controlling a material removal process from a structure by determining the thickness of the structure by using spectral data.

- d) Claim 15, directed to method and apparatus for use in controlling a material deposition process on a structure by determining the thickness of the structure by using spectral data.
- e) Claim 16, directed to method and apparatus for use in controlling a material deposition process on a patterned structure by determining the thickness of the structure by using spectral data.

### ELECTION OF SPECIES

Applicants elect to continue prosecution of Species a), directed to **claims 1-12 and 17**. This election is made without traverse.

### CONCLUSION

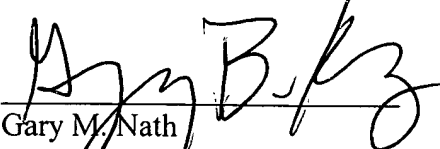
In view of the preceding election, the Applicants respectfully request the Examiner to conduct a first substantive examination of the application, and further prosecution of the application is respectfully requested. The Examiner is invited to contact the undersigned if it is believed that such contact will expedite the prosecution of the application.

If an Extension of Time under 37 CFR §1.136 is required and has not been separately requested, please consider this communication as including a request for such Extension of Time and as a further authorization to charge any fee for such Extension of Time, as may be required by 37 CFR §1.17, to Deposit Account No. 14-0112. Also, please charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

July 27, 2005

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